

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-9 are still pending in this application. The Examiner and applicants' representative briefly discussed the 103(a) rejection below in a telephone interview on 19 October 2006 and appeared to reach an agreement that the rejection could be withdrawn.

II. THE 35 U.S.C. 103(a) REJECTION HAS BEEN OVERCOME

Claims 1-9 were rejected as allegedly being obvious by US Pat. No. 6,552,091 Boinowitz et al in view of US Pat. No. 4,155,892 Emmons et al.. The applicants request reconsideration of this rejection for the following reasons.

In the final rejection, the rejection over Boinowitz (U.S. Patent 6,552,091) was reapplied, but it is believed that this rejection can be withdrawn for the following reasons. The relevant dates for this application and Boinowitz are reproduced below.

	U.S. Patent 6,552,091 (Boinowitz)	Serial No. 10/670,808
Filing date		25 September 2003
Grant date	22 April 2003 (102(a) date)	
Claim for foreign priority		27 September 2002 DE 102 45 099

Without a certified English language translation of DE 102 45 099, the Boinowitz reference would qualify as prior art under 102(a). However, the applicants did file a certified English language translation (see entry for 30 August 2005 - 29 page file in the Image File Wrapper). Therefore, '091 does not qualify under 102(a) as the grant date of the '091 patent (22 April 2003) is after the applicants' claim to foreign priority (27 September 2002)

'091 would ordinarily qualify as prior art under 102(e), but we earlier argued under 103(c) that it does not and this rejection was withdrawn.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution.

Respectfully submitted,
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